88- 1730

Supreme Court, U.S.
FILED
APR 28 1989
JOSEPH F. SPANIOL, JR.
CLERK

No. _____

In The

Supreme Court of the United States

October Term, 1988

ATTORNEYS' TITLE GUARANTY FUND, INC.,

Petitioner,

v.

DAVID K. RICHARDS,

Respondent.

SUPPLEMENTAL APPENDIX TO PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

F. MICHAEL LUDWIG
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April 28, 1989

COCKLE LAW BRIEF PRINTING CO., (800) 225-6964
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 83-Z-862

H. RAY CHRISTMAN, d/b/a CHRISTMAN AND COMPANY,

Plaintiff,

v.

DAVID K. RICHARDS and RICHARDS FINANCIAL SERVICES,

Defendants.

Consolidated with:

Civil Action No. 84-Z-1857

DAVID K. RICHARDS,

Plaintiff,

v.

H. RAY CHRISTMAN, ATTORNEYS TITLE GUARANTY FUND, INC., and PLATTE VALLEY BANK,

Defendants.

ORDER FOR ENTRY OF JUDGMENT
(Filed Oct. 4, 1985)

This matter was tried to a jury from July 8, 1985, through July 12, 1985, the Honorable Zita L. Weinshienk, Judge, presiding. During the trial a stipulation as to all claims was reached between David K. Richards and H. Ray Christman. An Order of Dismissal With Prejudice was entered on July 19, 1985. On July 12, 1985, the jury returned a verdict in favor of David K. Richards and against Attorneys Title Guaranty Fund, Inc., and Platte

Valley Bank for $430,000.00. On September 27, 1985, the Court ruled on the effect of two settlements, between Richards and Albert Snyder and Richards and H. Ray Christman, on the judgment amount. The Court also addressed Platte Valley Bank's Motion for Attorney's Fees. The Court's oral findings of fact and conclusions of law entered on the record are hereby incorporated by reference as if fully set forth.

On Platte Valley Bank's Motion for Attorney's Fees on the issue of plaintiff's claim for punitive damages, the Court ordered David K. Richards to pay Platte Valley Bank nominal attorney's fees of $500.00. On the issue of what interest rate should be applied to Richards' settlement agreements with Snyder and Christman, the Court determined that an interest rate of 11.1% should be used. The Court has adjusted the jury verdict of $430,000.00 to reflect the impact of the two settlement agreements. The adjusted verdict amount is $401,178.70, upon which prejudgment interest has accrued at a statutory rate of 8%, compounded annually from January 5, 1983, the date of loss. Therefore, it is

ORDERED that David K. Richards shall pay $500.00 to Platte Valley Bank as attorney's fees for its claim of punitive damages. It is

FURTHER ORDERED that the Clerk of the Court shall enter judgment in favor of David K. Richards and against Attorneys Title Guaranty Fund, Inc., and Platte Valley Bank, jointly and severally, in the amount of $401,178.70 plus prejudgment interest of $94,644.57, for a total of $495,823.35. It is

FURTHER ORDERED that plaintiff David K. Richards shall be entitled to postjudgment interest at the statutory rate, as well as costs, upon the filing of a Bill of Costs with the Clerk of the Court within ten days from the date of entry of the judgment.

DATED at Denver, Colorado, this 4th day of October, 1985.

BY THE COURT:

/s/ Zita L. Weinshienk
ZITA L. WEINSHIENK, Judge
United States District Court